

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 08-28

February 13, 2008

TO: All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Display of the American Flag at NLRB Representation Elections

On January 16, 2008, following an impasse in bargaining between NLRB management and the National Labor Relations Board Union (NLRBU), the Federal Service Impasses Panel (FSIP) issued a Decision and Order imposing upon the parties a Memorandum of Agreement (MOA), largely following the Agency's final proposal, concerning the display of an American flag at all voting locations in Agency-conducted representation elections, Case No. 07 FSIP 90 (Jan. 16, 2008), 2008 WL 194936 (F.S.I.P.). A copy of the MOA is attached hereto.

Since assuming his position, General Counsel Meisburg has emphasized the importance of protecting employee free choice on the question of collective bargaining. Whether employees decide in favor of or against representation, that choice must be protected.

Our elections are often the forum in which these choices are made and for that reason it is essential that we do all in our power to conduct our elections with the solemnity they deserve. Thus, our procedures require that balloting be conducted at a location befitting a government-sponsored election. One way to enhance the solemnity of our elections and to accord them the dignity of a Federal proceeding, is to display the American flag in the polling place. Display of the flag will lend dignity to the election process and communicate to all participants that they are involved in an official activity of the Government of the United States. For many of the voters in our elections, including some immigrant workers, voting in a secret-ballot NLRB election may be their first experience with the democratic process. For all employees who cast ballots for or against representation, our elections present a rare opportunity to emphasize that the Government is truly serious about the promise of Section 7 of the Act.

Using Fiscal Year 2007 funds, the Agency purchased a limited number of table-top American flags for display by Board agents at the sites of representation elections. The flag kits that will be supplied to the Regions will come with table-top stands and a carrying case. Agency personnel conducting representation elections will now be required to bring to the polling site, erect and display those American flags. This memo will be read in conjunction with the MOA which is located at: [Attachment A: MOA](#). Any questions concerning this matter should be addressed to your Assistant General Counsel or Deputy.

/s/
R.A.S.

Attachments

cc: NLRBU
Release to the Public

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